

## REMARKS

At the outset, Applicants wish to thank the Examiner for the courtesies extended in the telephone interview conducted October 9, 2007. At that interview, Applicants' view of the currently pending rejection under §102 was discussed.

Included with this Response is an Information Disclosure Statement. Applicants earnestly request that the listed reference be considered by the Examiner and made of record herein.

### *Claim Rejections*

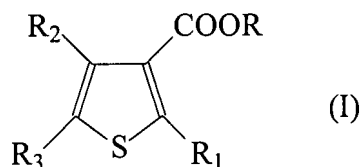
#### Rejections Under 35 U.S.C. § 102

##### A. Response to rejection of claims 1-10 under 35 U.S.C. §102(b) as being anticipated by Kashiwa et al.

In response to the rejection of claims 1-10 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,725,656 of Kashiwa et al. ("Kashiwa"), Applicants traverse the rejection.

For a reference to anticipate an invention, all of the elements of that invention must be present in the reference. The test for anticipation under section 102 is whether each and every element as set forth in the claims is found, either expressly or inherently, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990). Additionally, the reference must, "sufficiently describe the claimed invention to have placed the public in possession of it." *Minnesota Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1572, 24 U.S.P.Q.2d 1321, 1332 (Fed. Cir. 1992).

Kashiwa does not set forth each and every element of the claims. For example, Applicants' claim 1 recites "[a] solid catalyst component for the polymerization of olefins comprising Mg, Ti, halogen and an electron donor selected from thiophene derivatives of formula (I):



wherein R is a branched alkyl group, R<sub>1</sub>, R<sub>2</sub> and R<sub>3</sub>, same or different, are hydrogen, halogen, R<sup>4</sup>, OR<sup>4</sup>, COOR<sup>4</sup>, SR<sup>4</sup>, NR<sub>2</sub><sup>4</sup> or PR<sub>2</sub><sup>4</sup>, wherein R<sup>4</sup> is a linear or branched C<sub>1</sub>-C<sub>20</sub> alkyl, C<sub>2</sub>-C<sub>20</sub> alkenyl, C<sub>3</sub>-C<sub>20</sub> cycloalkyl, C<sub>6</sub>-C<sub>20</sub> aryl, C<sub>7</sub>-C<sub>20</sub> alkylaryl or C<sub>7</sub>-C<sub>20</sub> arylalkyl group, optionally containing at least one heteroatom, and at least two of said R<sub>1</sub>-R<sub>3</sub> groups can also be joined to form a cycle, with the proviso that at least one of R<sub>1</sub> and R<sub>2</sub> is COOR<sup>4</sup> and that when R<sub>2</sub> is COO-i-octyl and R is i-octyl, at least one of R<sub>1</sub> and R<sub>3</sub> are different from hydrogen." (emphasis added)

The Examiner relies upon Kashiwa's formula (c-2), set forth at col. 5, lines 14-19. However, the recitation of this formula and the associated disclosure would not lead one skilled in the art "to immediately envisage" all the elements of the current claims, *In re Petering*, 301 F.2d 676, 682, 133 USPQ 275, 280 (CCPA 1962), since it would first be necessary for one skilled in the art to pick a particular divalent group from among those listed for R<sup>15</sup>, (see col. 5, lines 27-28), and then additionally pick a branched alkyl group for R<sup>3</sup> (from a selection of linear or branched compounds). Further, the specification lists only four thiophene dicarboxylates, of which only a single compound, di-iso-octyl thiophene-3,4-dicarboxylate, contains R<sup>3</sup> groups that are branched, and even that compound is not covered by the present claims. Finally, none of the thirteen examples contained in Kashiwa illustrate a thiophene dicarboxylate.

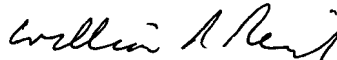
For the above reasons, Applicants respectfully request that the Examiner reconsider and withdraw the rejection.

Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have questions or comments regarding this application or this Response, Applicant's attorney would welcome the opportunity to discuss the case with the Examiner.

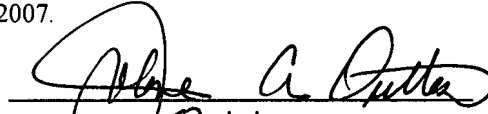
The Commissioner is hereby authorized to charge U.S. PTO Deposit Account 08-2336 in the amount of any fee required for consideration of this Amendment.

This is intended to be a complete response to the Office Action mailed July 25, 2007.

Respectfully submitted,

  
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I hereby certify that this correspondence is being deposited with sufficient postage thereon with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 11, 2007.

  
October 11 2007  
Date of Signature

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